IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 21858 of 2007(B)

OS.617/2005 of PRL.SUB COURT,THRISSUR

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PETITIONER:

A.R.SHAJI, AGED 36 YEARS,
S/O. LATE RAMAKRISHNAN, AARUKETTY HOUSE,
ENGANDIYOOR VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS:

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1. THE FEDERAL BANK LTD.,
HEAD OFFICE, ALUVA, ERNAKULAM.

2. THE FEDERAL BANK LTD.,
BRANCH, POKULANGARA, CHAVAKKAD TALUK,
THRISSUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.21858 OF 2007

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Dated this the 17th day of July, 2007

JUDGMENT

This writ petition is filed to quash Ext.P1 and to extend the benefit of the one time settlement scheme to the petitioner as requested in Ext.P2. The bank has obtained a decree and had in execution of the decree put the property of the petitioner into auction and purchased the same and the sale has been confirmed and there remains nothing further to be done for the same. There are provisions in the Code of Civil Procedure to set aside the sale on certain grounds or by depositing the amount under Order XXI Rule 89 or Order XXI Rule 90 C.P.C. The petitioner has not resorted to any of these things. Therefore the court cannot interfere with the orders passed by the executing court. But at the same time, since the bank itself is the auction purchaser and if the bank is inclined to settle the case on receipt of the amount due to it under the decree and provide the petitioner some concession, nothing can stand in the way and on receipt of the amount plus the other amounts specified under Order XXI Rule 89, the bank can re-transfer the property in favour of the writ petitioner, if it so wishes. Being

a public institution, the bank may consider the request of the petitioner sympathetically and take appropriate decision.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-